

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

DENZEL MORRIS,

Plaintiff,

vs.

9:09-CV-0734
(NAM/DEP)

TROY T. PLUMMER, GARY STEINBERG,
and JUSTIN LEESON, Corrections Officers,
Auburn Correctional Facility,

Defendants.

APPEARANCES:

OF COUNSEL:

Denzel Morris
04-A-2038
Southport Correctional Facility
P.O. Box 2000
Pine City, NY 14871
Plaintiff, *Pro Se*

Eric Schneiderman
Attorney General of Assistant Attorney General
the State of New York
The Capitol
Albany, NY 12224
Attorney for Defendants

Adele Taylor-Scott., Esq.

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge David E. Peebles, duly filed on the 2nd day of March, 2011. Following fourteen (14) days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

Upon review, the Court notes that plaintiff did not oppose defendants' motion for

summary judgment and failed to respond to defendants' Statement of Material Facts as mandated by this Court's Local Rules. Where a plaintiff has failed to respond to a defendant's statement of material facts, the facts as set forth in defendant's Rule 7.1 statement will be accepted as true to the extent that those facts are supported by the evidence in the record. *Littman v. Senkowski*, 2008WL 420011, at *2 (N.D.N.Y. 2008) (citing *Champion v. Artuz*, 76 F.3d 483, 486 (2d Cir. 1996)). The Court has reviewed defendant's Statement of Material Facts and finds support for defendant's assertions in the record.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. The defendants' motion for summary judgment (Dkt. No. 20) is granted and the complaint is dismissed. The Clerk shall enter judgment accordingly.
3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Date: March 25, 2011


Norman A. Mordue
Chief United States District Court Judge